

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 18-0508

ELIZABETH D. CALDON SORKNESS,

PETITIONER,

v.

DAVID J. SHULKIN, M.D.,
SECRETARY OF VETERANS AFFAIRS,

RESPONDENT.

Before BARTLEY, *Judge*.

ORDER

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

On January 29, 2018, Elizabeth D. Caldon Sorkness, who is self-represented, filed a petition for extraordinary relief in the nature of a writ of mandamus. Ms. Caldon Sorkness asserts that a writ of mandamus is necessary to compel the Board of Veterans' Appeals (Board) to render a decision following a February 9, 2017, Court remand. Petition (Pet.) at 3. In the February 2017 decision, the Court determined that a February 24, 2015, Board decision provided inadequate reasons or bases for finding that she was not entitled to recognition as James A. Caldon's surviving spouse for purposes of entitlement to VA benefits. *Caldon v. Snyder*, No. 15-2345, 2017 WL 527722, at *5 (Vet. App. Feb. 9, 2017). Ms. Caldon Sorkness asserts that the Board has not yet issued a decision, despite the February 2017 Court decision instructing the Board to proceed expeditiously in accordance with 38 U.S.C. § 7112. Pet. at 3.

In light of the allegations in Ms. Caldon Sorkness's petition, and pursuant to this Court's Rules of Practice and Procedure, the Court will defer ruling and order the Secretary to file a response to the petition. *See* U.S. VET. APP. R. 21(d).

Upon consideration of the foregoing, it is

ORDERED that the Secretary, within 15 days after the date of this order, file a response to Ms. Caldon Sorkness's petition, addressing the specific allegations contained therein and providing any documentation pertinent to the Court's resolution of this matter.

DATED: February 23, 2018

BY THE COURT:

A handwritten signature in blue ink, reading "Margaret Bartley". The signature is written in a cursive, flowing style.

MARGARET BARTLEY
Judge

Copies to:

Elizabeth D. Caldon Sorkness

VA General Counsel (027)